

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of:	)	
	)	
Implementation of the Subscriber	)	
Carrier Selection Changes Provisions)	)	
Of the Telecommunications Act	)	
Of 1996	)	
	)	
Policies and Rules Concerning	)	CC Docket No. 94-129
Unauthorized Changes of	)	
Consumers Long Distance Carriers	)	

**COMMENTS ON THE JOINT PETITION FOR WAIVER  
AND MOTION FOR EXTENSION OF EFFECTIVE DATE  
OF COMMISSION RULES**

Cincinnati Bell Telephone Company ("CBT"), an independent, mid-size local exchange carrier, submits these Comments in response to the Federal Communications Commission's ("Commission") April 8, 1999, Public Notice, DA 99-683, regarding a Joint Petition for Waiver and a Motion for Extension of Effective Date of Commission Rules filed in response to the Second Report and Order and Further Notice of Proposed Rulemaking, released on December 23, 1998, in the above-captioned proceeding.

CBT recommends the Commission not waive the rules on the third party administrator ("TPA") system proposed in the Joint Petition.

Cincinnati Bell Telephone believes that the TPA concept has some merit but not as proposed in the Joint Petition. The Joint Petition concept is not customer friendly as suggested in the Petition and would introduce an unneeded, extra layer of operations and procedures to the customer, who only wants immediate satisfaction for being slammed.

Telephone customers often first contact the Local Exchange Carrier ("LEC") when seeking to resolve slamming claims. The proposal that the TPA be the first point of contact would require significant change in customer behavior. To change the customer's behavior would require an educational process and could only be accomplished at great expense often with only limited success. Moreover, customers expect from their local telephone company immediate resolution and credit to their account when billed incorrect long distance charges by an unauthorized carrier on their local telephone bill.

The proposed TPA is a process that deals with "fixing" slamming situations, and not with "eliminating" slamming situations. The Commission in this proceeding has issued new rules regarding verification of customer change requests which should reduce the number of slamming claims. Likewise, the Commission has asked for comments on the need to uniquely identify and register resell carriers. If adopted, these actions should also reduce slamming complaints. Hence, CBT believes that the Joint Petition TPA proposal is geared to the current environment and level of slamming activity, and not to the environment after the new verification rules and proposed recommendations have been placed into service and the results evaluated. The Commission should allow the rules to take effect and evaluate the overall reduction in slamming complaints before it adopts a costly, complex TPA solution which may no longer be necessary.

Finally, the Joint Petition is shallow. It fails to address the overall costs of a TPA, including fully addressing how the costs would be recovered. Moreover, it fails to resolve in detail many operational issues which must be determined. Lastly, the Joint Petitioner's TPA proposal tends to favor the IXC industry. For example, as currently

proposed (page 15, Joint Petition for Waiver) governance of TPA would favor IXC's; LECs would not be adequately represented on the governing board.

The Joint Petition proposal has been prepared with no input from the United States Telephone Association and the LEC industry. In addition the FCC's slamming rules in the Second Report and Order apply equally to slamming situations involving the customer's long distance or local carrier selection. While the Joint Petition TPA proposal may serve as a basis for beginning discussion with the LEC industry, it is premature to adopt this proposal without further development and opportunity for LEC input.

In conclusion CBT recommends the Commission allow the existing rules to be implemented and over time evaluate the total impact on slamming. During this time the Commission could continue to explore the use of a TPA providing opportunity for input and dialogue from all industry participants not just IXC's.

Respectfully submitted,

Cincinnati Bell Telephone Company

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Christopher J. Wilson  
Staff Counsel  
Cincinnati Bell Telephone Company  
201 East Fourth Street, Room 102-610  
Cincinnati, Ohio 45201  
(513) 397-6351

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